

Appl. No. 10/536,979
AMENDMENT of May 5, 2009
Reply to Office Action of February 5, 2009

REMARKS

This amendment responds in accordance with 37 C.F.R. § 1.111 to the Office Action of February 5, 2009.

Claims 1 through 10 are pending in the application. Claims 1 and 3 through 7 are amended. Claims 2 and 10 are canceled. New claims 11 and 12 are added.

The Examiner objects to the abstract for containing a misspelling. The Applicant amends the abstract as requested and includes a new abstract on a separate page as an attachment.

The Examiner also objects to the same misspelling in claims 2 and 7. The Applicant provides the requested amendments.

The Applicant's counsel previously submitted a Power of Attorney and a Statement under 37 C.F.R. § 3.73(b). However, correspondence is still being sent to an old address in Canada.

The Power of Attorney and Statement are being re-filed simultaneously with this amendment. The Applicant requests that correspondence be mailed to the U.S. attorney identified below.

The Applicant offers substitute Figures 1 and 2 and Figures 7 and 8 with this amendment. These substitute figures correct numerals 16 and 20 in Figure 1, numeral 24 in Figure 2, and numeral 64 in Figure 8. No new matter is added.

No additional fee is believed to be due. If a fee is due, it may be charged to Deposit Account Number 12-1210.

Rejection under 35 U.S.C. § 102(b)

Claims 1, 5, 6, and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by EP 1245526 to Willen et al. The Applicant traverses this rejection and requests reconsideration.

Willen et al. disclose a valve assembly for a container for a beverage. The valve assembly has a housing and a beverage channel with a valve body, wherein operating means are provided for moving the valve body.

The Office Action states that claims 2 through 4 and 7 through 9 are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicants amends claim 1 with the elements of claim 2, thereby incorporating the allowable elements into the independent claim. Claims 3 through 9 and 11 are dependent, either directly or indirectly, on independent claim 1. New claims 11 and 12 are also dependent on independent claim 1.

The Applicant submits that independent claim 1 and dependent claims 3 through 9, and 11 and 12 are allowable. Willen et al. do not disclose each and every claimed element. Thus, this disclosure does not provide a prima facie case of unpatentability. Accordingly, it is requested that this rejection be withdrawn.

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In view of the foregoing, the Applicant submits that this application is now in condition for allowance. Favorable consideration is requested.

Respectfully submitted,

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Date

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